

MARCUESE TYLER	§	
v.	§	CIVIL ACTION NO. 5:10cv114
DAVID HUDSON, ET AL.	§	

The Plaintiff Marcuese Tyler, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

In his lawsuit, Tyler complains of the loss of his two gold teeth, which he says were lost or misplaced by an officer named Captain Carr. After review of the pleadings, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed with prejudice as to its refiling in federal court, but without prejudice as to any claims that Tyler could raise in state court or through the administrative procedures of TDCJ-CID. Tyler did not file objections to the Report; instead, he replied to the Report stating that the Magistrate Judge was correct and asking that his lawsuit be dismissed without prejudice.

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1977). Thus, Tyler's motion to dismiss his case without prejudice is meritorious and should be granted.

The Court has carefully reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Plaintiff's motion to dismiss his complaint should be granted. It is accordingly

ORDERED that the Plaintiff's motion for voluntary dismissal (docket no. 11) is hereby GRANTED and the above-styled civil action is hereby DISMISSED without prejudice on the motion of the Plaintiff. It is further

ORDERED that any and all other motions which may be pending in this cause are hereby DENIED.

SIGNED this 24th day of November, 2010.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE